Smith v. The Abandoned Vessel Doc. 17

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NATHAN SMITH	§	
	§	CIVIL ACTION NO. 4:07-00784
VS.	§	
	§	
THE ABANDONED VESSEL, *in rem*	§	ADMIRALTY

MOTION TO WITHDRAW AS COUNSEL

Jay A. McKendree asks this court to allow him to withdraw as attorney for Nathan Smith.

A. Introduction

1. Petitioner is Nathan Smith; Intervenor is Marie Sorenson.

2. This case involves a claim based in admiralty and/or the law of finds for title to an abandoned vessel in Refugio County, Texas.

3. The initial scheduling conference is set for October 25, 2007.

B. Facts

4. Movant, Jay A. McKendree was previously employed by Killeen & Stern, P.C. Petitioner contracted with Killeen & Stern, P.C. to provide legal services. In the course of his employment, Movant electronically filed Petitioner's original pleading while employed by Killeen & Stern, P.C. Movant left his employment with Killeen & Stern, P.C. in June 2007, but Killeen & Stern, P.C. continued its representation of Petitioner.

5. Subsequent to Movant leaving his employment with Killeen & Stern, P.C., Petitioner discharged Robert J. Killeen, Jr. and Killeen & Stern, P.C. from this case and Robert J. Killeen, Jr. terminated representation pursuant to Nathan Smith's Contract for Legal Services.

6. This Court granted Robert J. Killeen, Jr.'s Motion to Withdraw.

7. Movant has delivered a copy of this Motion to Petitioner and has notified him in

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writing of his right to object to the Motion.

8. This Motion is filed out of an abundance of caution to ensure Movant is not considered by the Court or Petitioner to represent Petitioner in any fashion in this matter.

C. Prayer

9. To the extent Movant is considered to represent Petitioner, Movant requests that the Court grant his Motion to Withdraw.

Respectfully submitted,

By: */s/ Jay A. McKendree*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading has been forwarded to all counsel of record.

Terry M. Carroll, Jr.
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Via E-filing

/s/ Jay A. McKendree
Jay A. McKendree